

Misbranding was alleged for the reason that the statement on the cartom and bottle labels, "Vegetable Nervine", was false and misleading, in view of the composition of the article. Misbranding was alleged for the further reason that certain statements in the labeling falsely and fraudulently represented that the article was effective in the treatment of nervous disturbances, sleeplessness, restlessness, hysteria; effective to relax the nerves, calm the body, and induce natural sleep; effective in the treatment of dipsomania, drunkenness, delirium tremens, epilepsy, fits, nervous dyspepsia, nervous irritation, neuralgia, dizziness, weakness of the heart, eyes, stomach, etc., and sciatica.

On January 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22319. Misbranding of Quatented or Black Powder. U. S. v. 21 Packages of Quatented or Black Powder. Default decree of condemnation and destruction. (F. & D. no. 31186. Sample no. 47034-A.)**

Examination of the product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 4, 1933, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Quatented or Black Powder at Nashua, N.H., alleging that the article had been shipped in interstate commerce, on or about August 24, 1933, by the J. H. Woodward Co., from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of charcoal, red pepper, and sulphur.

It was alleged in the libel that the article was misbranded in that it was falsely and fraudulently labeled as to its curative or therapeutic effects in the treatment of chills, la grippe, sick headache, sore throat, tonsillitis, dyspepsia, indigestion, rheumatism, cholera morbus, pains in the stomach and cough, in regulating and purifying the gastric juice, starting action in the debilitated stomach and intestines, promoting a healthy assimilation of food, allaying pain; effective in the treatment of diseases of the horse including colic, wind colic, spinal meningitis, stoppage of water, black water, chills, fever, heaves, pneumonia, distemper, acclimated cough, pink eye, and sore throat, diseases of the cow, including bloat, milk fever, inflammation of the bowels, garget and scours, sheep out of condition, scouring or running at the nose, sick hogs or pigs, hens with roup, to make hens lay in cold weather, and all acute ailments of animals.

Misbranding of the article was alleged for the further reason that the statement, "Guaranteed by J. H. Woodward Co., under the Food and Drugs Act June 30, 1906, as amended", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been so approved and the Government did not guarantee that it complied with the law.

On June 5, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22320. Adulteration and misbranding of milk of magnesia. U. S. v. 134 Dozen Bottles of Milk of Magnesia. Default decree of condemnation and destruction. (F. & D. no. 30469-A. Sample nos. 31872-A, 31882-A, 31883-A.)**

This case involved an interstate shipment of milk of magnesia, a product recognized in the United States Pharmacopoeia. Samples taken from the lot were found to contain a smaller proportion of magnesium hydroxide than provided by the said pharmacopoeia, and were not labeled to show their own standard. The labels bore unwarranted curative and therapeutic claims.

On May 17, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 dozen bottles of milk of magnesia at West Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about March 14, March 23, and April 19, 1933, by the Park

Drug Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and failed to comply with the standard of strength prescribed by that authority, namely, not less than 7 percent of magnesium hydroxide, and its own standard of strength was not stated on the label.

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "An excellent \* \* \* remedy \* \* \* for dyspepsia \* \* \* indigestion and nausea, \* \* \* Dyspepsia \* \* \* indigestion: One tablespoonful in an equal quantity of water, \* \* \* After brushing the teeth, rinse the mouth with an equal quantity of Milk of Magnesia and water. This will \* \* \* help prevent tooth decay."

On March 10, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22321. Misbranding of Pa-Poose Root Beer Extract. U. S. v. E. A. Zatarain & Sons, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 30297. Sample nos. 7304-A, 16937-A, 16943-A, 16946-A.)**

This case involved shipments of root beer extract, the labeling of which bore unwarranted therapeutic and curative claims.

On February 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. A. Zatarain & Sons, Inc., New Orleans, La., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 11 and August 13, 1932, from the State of Louisiana into the State of Alabama, and on or about July 2 and July 11, 1932, from the State of Louisiana into the State of Mississippi, of quantities of root beer extract which was misbranded. The article was labeled in part: "PaPoose Root Beer Extract \* \* \* E. A. Zatarain & Sons."

Analyses of samples of the article by this Department showed that it consisted essentially of an aqueous solution of caramel, glycerin, and oils of sassafras and wintergreen, containing little, if any, plant material.

Misbranding was alleged in the information with respect to one of the lots for the reason that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the jugs, falsely and fraudulently represented that the article was effective as a blood purifier; effective as a treatment, remedy, and cure for the sick and afflicted; effective as a treatment for the blind and all cases of incurable diseases; effective as a treatment, remedy, and cure for sick stomach, dyspepsia, insomnia, indigestion, and all other sicknesses which are caused from the impurity of the blood; effective to change any morbid action of the stomach, liver, and kidneys; effective as a treatment for sugar in diabetic patients; effective as a treatment for ulcers, sores, flooding, diarrhoea, whites, diseases of the breast and lungs, diseases of the veins and the bladder, chronic rheumatism, skin diseases, syphilis, scrofula, biliousness, internal heat, hectic fever, palpitation of the heart, piles, cutaneous eruptions, cough, jaundice and hypochondria; effective to break the stone and cause it to be expelled by urine; effective to relieve coughing and to sheathe the mucous membrane; effective to promote digestion, to cleanse the blood and strengthen the liver if affected by cholera, flux, and spitting of blood; effective to relax pain in the stomach and bowels, to stimulate the stomach to action and to strengthen the urinary organs; effective as a treatment for obstruction of the liver, gall, and spleen and diseases arising from them, and to open the passage of the urine, and to invade and heal ulcers in the urinary passages; effective to break stone in the kidneys and bladder; effective to destroy worms; effective to excite and increase healthy action; effective to bring on the menses; and effective as a treatment, remedy, and cure for sick patients.

Misbranding was alleged with respect to the remaining lots for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for the sick and afflicted, and effective as a treatment for the blind and all cases of incurable diseases.